



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**JOHN L. HILL  
ATTORNEY GENERAL**

December 11, 1974

The Honorable John E. Gray  
President, Lamar University  
P.O. Box 10001  
Beaumont, Texas 77710

Letter Advisory No. 87

Re: Whether a member of  
an architectural firm employed  
by a university may serve as a  
teacher at the university?

Dear President Gray:

You have asked if it would be permissible for Lamar University, a state owned institution of higher education, to employ as a part time faculty member a person employed by an architectural firm which the Board of Regents has commissioned to draw plans and specifications for a new building on campus.

We are aware of no constitutional obstacle. Section 40 of article 16 of the Texas Constitution prevents a person from simultaneously holding two civil offices of emolument under certain conditions, but an independent contractor who has an agreement with a governmental agency does not hold an office or position with that agency by virtue of the agreement. Attorney General Opinion V-303 (1947).

The common law doctrine of incompatibility has reference to incompatible offices, and since the individual's relationship with the University by virtue of the contract with the architectural firm does not give him an office, that doctrine is not applicable.

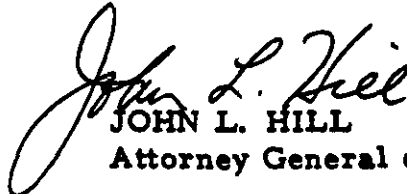
We find no statutory prohibition of the relationships at issue.

In our opinion there is no legal impediment to the employment of the individual about whom you inquire. We express no opinion on

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the employment as a matter of policy, which is within the sound discretion of the University.

Very truly yours,

  
JOHN L. HILL  
Attorney General of Texas

APPROVED:

  
DAVID M. KENDALL, First Assistant

  
C. ROBERT HEATH, Chairman  
Opinion Committee

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